



The
DISCIPLINARY BOARD
of the Supreme Court of Pennsylvania

*Dedicated to protecting the public, maintaining the integrity of the
legal profession, and safeguarding the reputation of the courts.*

Annual Report 2021

Issued: March 21, 2022

The Disciplinary Board of the Supreme Court of Pennsylvania

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BOARD CHAIR'S SUMMARY

Through another year of both significant challenges and triumphs, the Disciplinary Board continued to evolve its practices and procedures. Times of uncertainty often present the opportunity for evaluation and growth. Under the guidance of the Finance & Personnel Committee, the Board thrived in a hybrid workplace compelled by the ongoing COVID-19 pandemic. The Board and its staff adapted daily operations, refined the conducting and livestreaming of public Board proceedings, and provided virtual educational experiences to Pennsylvania attorneys.

Multiple enhancements were made to the Board's website in order to better serve Pennsylvania's attorneys and public. Through a new online filing system, pleadings can be submitted electronically to the Board. The Case Research Collection allows website users to search public case information and documents from 2016 through the present. The addition of a "Pro Bono" webpage makes easily accessible a variety of opportunities for Pennsylvania attorneys to perform pro bono work through the Board, IOLTA, CLE, and other statewide organizations.

Despite the wide range of challenges related to the pandemic, this past year saw a 24% decrease in the number of attorneys administratively suspended for nonpayment of the annual fee -- nearly one hundred fewer attorneys than the year prior. Additionally, the Board would like to extend its gratitude to the twenty-six retired attorneys transferred to or reregistered for emeritus status, first established in 2018. Emeritus attorneys are highly skilled and experienced practitioners who provide necessary free legal services to Pennsylvanians in most need.

Throughout 2021, the Board enjoyed a deeper partnership with the Pennsylvania Bar Association, Lawyers Concerned for Lawyers of Pennsylvania, the Pennsylvania Lawyers Fund for Client Security, the Pennsylvania Interest on Lawyers' Trust Accounts Board, and the Pennsylvania Continuing Legal Education Board. Through pro bono efforts and educational programming, the Board has collaborated with these organizations to advance the legal profession in Pennsylvania. The Board would like to thank its partner Court agencies and professional organizations for their invaluable collegiality in support of Pennsylvania's attorneys and courts.

This year, the Annual Report is published on the Board's Golden Anniversary, March 21, 2022. Over the past fifty years, the Board has evolved much but has only deepened its dedication to the Commonwealth and its legal system. As my tenure as Board Chair comes to an end, I would like to express my gratitude to

each member of the Board, staff, and volunteer Hearing Committees for their dedication to professionalism and ethical practice within the legal profession. Everyone has played a vital role in the shaping of the Board's future legacy, and it has been a true honor to work together in service of Pennsylvania's communities. I'd like to extend my congratulations and support to the next Board Chair and Vice-Chair, Jerry M. Lehocky and Dion G. Rassias. I look forward to witnessing the Board's progress and achievements under their adept leadership. And finally, I wish to thank the Supreme Court for the honor of serving the profession as Chair of this prestigious Board. I am forever grateful.

John P. Goodrich
Board Chair

BOARD MEMBERSHIP



John P. Goodrich, Esquire
Board Chair
(Allegheny County)



Jerry M. Lehocky, Esquire
Board Vice Chair
(Philadelphia County)



Celeste L. Dee
(Lehigh County)



Christopher M. Miller, Esquire
(Allegheny County)



Robert Mongeluzzi, Esquire
(Philadelphia County)



Gretchen A. Mundorff, Esquire
(Fayette County)



John C. Rafferty, Jr., Esquire
(Montgomery County)



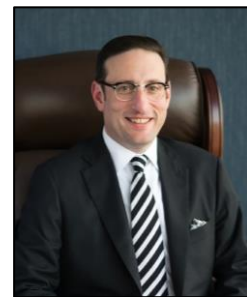
Dion G. Rassias, Esquire
(Philadelphia County)



Hon. Robert L. Repard
(Tioga County)



Hon. Eugene F. Scanlon, Jr. (ret.)
(Allegheny County)



David S. Senoff, Esquire
(Philadelphia County)



Shohin H. Vance, Esquire
(Philadelphia County)



James C. Haggerty, Esquire
(Philadelphia County)
Board Chair April 2020 - April 2021
Term Expired April 1, 2021



John F. Cordisco, Esquire
(Bucks County)
Board Vice Chair April 2020 - April 2021
Term Expired April 1, 2021

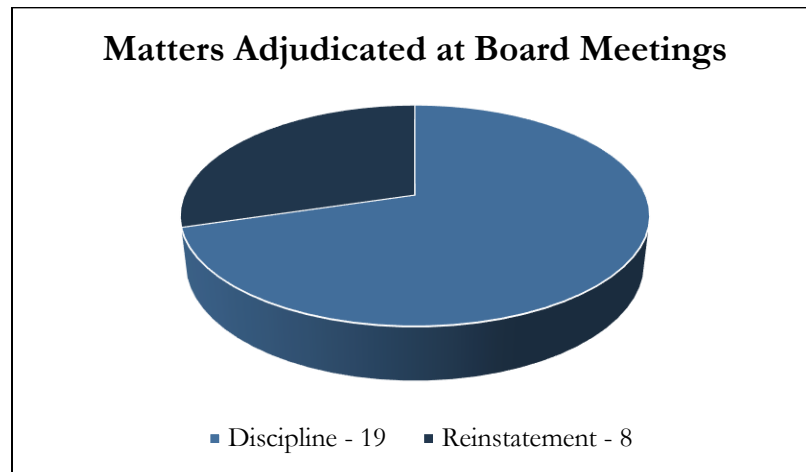
BOARD HIGHLIGHTS

Board Meetings

In 2021, the Disciplinary Board met one time in person and three times via Webex videoconference to address administrative, adjudicatory, and executive business. Throughout the year, the Board committees and the Board membership met by telephone or other electronic means to address Board business.

- January 20 & 21 – Held Virtually via Webex
- April 13 & 14 – Held Virtually via Webex
- July 22 & 23 – Held Virtually via Webex
- October 24, 25, & 26 – Hershey, Pennsylvania

The Board adjudicated 27 matters this past year: 7 in January, 7 in April, 6 in July, and 7 in October. Of the 27 adjudicated matters (19 discipline and 8 reinstatement), the Board filed recommendations to the Court in 25 matters (17 discipline and 8 reinstatement). In 2021, the Court issued orders in 20 adjudicated matters, adopting the Board's recommendation in 19 of those matters.



Board Committee Progress Reports

All Board members serve on Board committees, with the Board Chair and Vice Chair serving as ex-officio members on each committee. In 2021, the committees undertook significant and meaningful projects and assignments, meeting one time in person and three times via teleconference, coinciding with scheduled Board meetings. Additionally, committee work was performed electronically and telephonically throughout the year.

Rules Committee

The Rules Committee Chair is Dion G. Rassias. Board members David S. Senoff and Hon. Eugene F. Scanlon, Jr. serve on the committee.

Under the leadership of Committee Chair Rassias, the committee oversees the consideration of amendments to existing rules and the drafting of new rules within the Rules of Professional Conduct (RPC), Pennsylvania Rules of Disciplinary Enforcement (Pa.R.D.E), and Disciplinary Board Rules and Procedures.

Requests for rule amendments and new rules come from various sources, including, but not limited to: Board members, Office of Disciplinary Counsel, and Executive Office staff; the Supreme Court of Pennsylvania; attorneys; bar associations; and the general public. Recommendations for rule amendments are placed on the committee's agenda.

Generally, once the committee and the Board approve a proposed rule amendment, the Board publishes a Notice of Proposed Rulemaking in the *Pennsylvania Bulletin* explaining the proposal and requesting public comment. Upon close of the comment period, the committee reviews the comments and makes a recommendation to the Board on the final rule proposal. Upon Board approval, the final proposal is submitted to the Supreme Court.

The Supreme Court of Pennsylvania adopted the following rule amendments in 2021:

RPC 8.4(g) - By way of background, by Order dated June 8, 2020, effective December 8, 2020, the Court adopted amendments to the Rules of Professional Conduct to make it professional misconduct for a lawyer, in the practice of law, by words or conduct, to knowingly manifest bias or prejudice, or engage in harassment or discrimination.

On August 6, 2020, Zachary Greenberg filed a lawsuit in the United States District Court for the Eastern District of Pennsylvania against the Board members, Chief Disciplinary Counsel, and Deputy Chief Disciplinary Counsel, in their official capacities, challenging the constitutionality of the rule. On December 8, 2020, Judge Chad Kenney ordered a preliminary injunction barring enforcement of the rule, finding that the rule and the comments explaining it constituted viewpoint-based discrimination in violation of the First Amendment. The defendants filed a Notice of Appeal to the Third Circuit on December 22, 2020, but voluntarily dismissed the appeal.

By Amended Order dated July 26, 2021, effective August 25, 2021, the Court adopted amendments to 8.4(g) to make it professional misconduct for a lawyer, in the practice of law, to knowingly engage in conduct constituting harassment or discrimination based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, or socioeconomic status.

Following the Court's July 26, 2021 order, on August 19, 2021, Greenberg filed an amended complaint aimed at securing an injunction against the new rule. On January 20, 2022, oral argument was held on pending motions for summary judgment.

Pa.R.D.E. 208, 218, and 532 - By Order dated August 10, 2021, effective September 9, 2021, the Court amended the Pennsylvania Rules of Disciplinary Enforcement to provide that an attorney who becomes a debtor in bankruptcy and who owes administrative fees, expenses, or penalties to the Board in connection with a disciplinary or reinstatement proceeding must notify the Board in writing within 20 days of the bankruptcy filing. The rule amendments also require an attorney to notify the Pennsylvania Lawyers Fund for Client Security within 20 days of a bankruptcy filing if at the time of the filing, the attorney has received notice of a claim pending with the Fund or any disbursement by the Fund with respect to a claim against the attorney has not been repaid in full with interest. If the attorney receives notice of a pending claim or disbursement after the filing of the bankruptcy petition and before conclusion of the bankruptcy case, the attorney must give written notice to the Fund within ten days.

Other Board action:

In 2021, the Board published in the *Pennsylvania Bulletin* five notices of Proposed Rulemaking and three sets of amendments to the Disciplinary Board Rules and Procedures.

Finance & Personnel Committee

The Finance & Personnel Committee Chair is Christopher M. Miller. Board member Robert J. Mongeluzzi serves as a member of this committee.

The committee oversees the Board's assets, including financial, human, and technological, to develop an appropriate fiscal and operational strategy that furthers the mission of the Board. In many instances, the committee makes recommendations to other committees to elevate operational strategy.

In pursuit of its task, the committee reviewed and approved the proposed Budget for fiscal year 2022-2023, and reviewed and approved the external audit of fiscal year 2020-2021, which was completed by Trout, Ebersole & Groff. The audit found no material deficiencies or misstatements.

The committee oversaw the Board's transition to accrual accounting and the hybrid workplace necessitated by the COVID-19 pandemic.

Among many other personnel related matters, the committee authorized a COVID-19 vaccination mandate and monitored progress of its 2018 organizational realignment designed to modernize the operations of the Board and more efficiently move cases through the system. The committee routinely evaluates the performance of the Board's senior staff and reviews policies intended to advance the Board's operational strategy.

Committee Chair Miller serves as the Board's representative to the Investment Advisory Board (IAB), established by the Supreme Court, and participated in the semi-annual meetings in May and December 2021.

Disciplinary Board Staff	
Total Employees <i>As of January 1, 2021</i>	67
New Hires	9
Retirements & Separations	5
Total Employees <i>As of December 31, 2021</i>	71

Communications Committee

The Communications Committee Chair is Hon. Robert L. Repard. Board members Celeste L. Dee and Shohin H. Vance serve on the committee.

The role of the committee is to increase visibility and to explore ways of improving communications with attorneys and the public, specifically through the Board's media platforms.

Throughout 2021, under the leadership of Committee Chair Repard, the committee successfully adopted enhancements to multiple functions of the Board's website. Among other things, such enhancements include:

- a new online filing module allowing staff and respondent- and petitioner-attorneys to electronically file pleadings directly with the Board;
- a "Pro Bono" page, seeking to connect Pennsylvania attorneys with available resources to perform pro bono service and to advance equal access to justice for all Pennsylvania citizens. In addition to resource links and program overviews, webpage content includes pro bono news items from the Board and contributions from the Pennsylvania IOLTA and CLE Boards. Since its release on June 30, the page has been visited over 1,400 times; and,
- the Case Research Collection, which makes available public case information and documents from 2016 through the present. Users can browse the collection or use search criteria to narrow findings. A manual and video tutorial were developed as online user aids.

One of the significant tasks of this committee is the crafting and monthly distribution of the Board's Attorney Newsletter. Communicating with the profession and public frequently allows the Board to share important initiatives, information, and directives with the profession expeditiously. At the end of 2021, there were approximately 60,800 subscribers to the newsletter.

Under Committee Chair Repard's leadership, the Board uses social media and its website to share information and articles which may be beneficial to the profession. In addition to sourcing and authoring these interactions, the Board coordinates with other Court Boards and Committees to share information with the profession that is relevant.

In 2021, the Board continued to publicize openings and vacancies for Court Boards and Committees in its newsletter, on the website, and via social media.

The Communications Committee leads a digital media campaign to celebrate the 50th Anniversary of the Disciplinary Board. Featured content includes messaging about the Board's mission and role within the Commonwealth and commemorates past milestones and achievements.

Education Committee

The Education Committee Chair is Gretchen A. Mundorff. Board member John C. Rafferty, Jr. serves as a member of this committee.

The role of the committee is to propose and carry out education and training opportunities for the profession, Hearing Committee members, and Board members.

Under the leadership of Committee Chair Mundorff, the committee planned and held an in-person training event for all Hearing Committee members in Hershey, Pennsylvania. Participants attended the 6-hour training event, which included presentations by Board members; Hearing Committee members; Board staff; the Chief Disciplinary Counsel and Deputy Chief Disciplinary Counsel; and, Respondent's Counsel, Ellen Brotman. The program was designed to educate the 112 attendees about the disciplinary system and their responsibilities as Hearing Committee members.

In addition to their participation in Hearing Committee training, Board members had the opportunity to participate at conferences related to disciplinary matters. Board members continued their efforts to participate in numerous CLE presentations throughout the year, including "The Retirement Discussion" presented virtually on November 23, 2021. The Board and Pennsylvania Bar Association (PBA) collaborated to present topics which included succession planning, license status options, applicable rules, ethical implications, and available resources. The panel participants from the Board included Committee Chair Mundorff, Board member Dion G. Rassias, Chief Disciplinary Counsel Thomas J. Farrell, and Deputy Attorney Registrar Dana C. Belella. PBA's Law Practice Management Coordinator Ellen Freedman also participated on the panel and the event was moderated by former Board member David A. Fitzsimons of ADRFitz LLC.

Board members, staff, and Hearing Committee members attended the 18th Annual Meeting of the National Council of Lawyer Disciplinary Boards (NCLDB) virtually, in February 2021. Attendees included: Jerry M. Lehocky, Board Vice-Chair; Jesse G. Hereda, Executive Director and member of the NCLDB Board of Directors; Marcee D. Sloan, Board Prothonotary and Secretary of the NCLDB Board of Directors; Laura K. Mohney, Counsel to the Board; Kimberly M. Henderson, Special Counsel; and Hearing Committee members Francis Ciprero, Kathleen Dapper, Victoria P. Edwards, Anthony Gallia, James Gavin, Catherine Harrington, Kathryn M. Kenyon, Thomas N. Sweeney, and Dawn Tancredi.

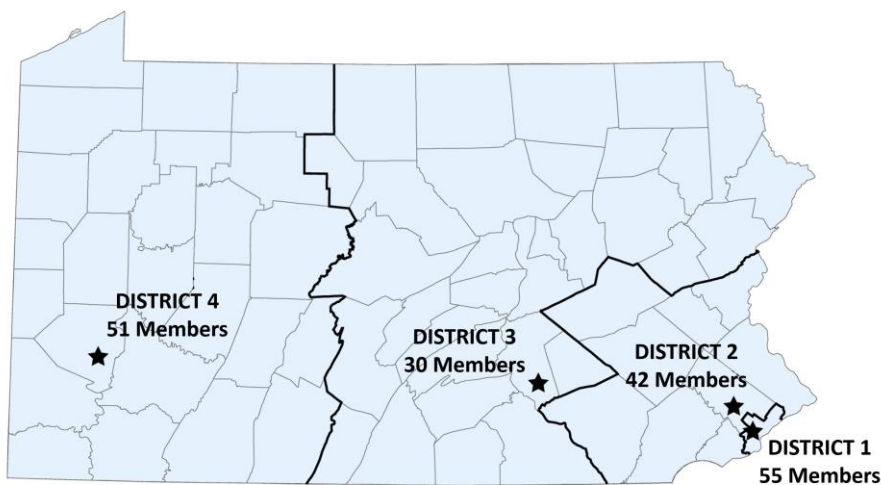
Hearing Committees

Annually, the Disciplinary Board is tasked with the appointment of Hearing Committee members within each district. A Hearing Committee member for a district must be a member of the bar of this Commonwealth who maintains an office for the practice of law within that district. At the conclusion of 2021, there were 178 Hearing Committee members serving throughout Pennsylvania.

2021 Hearing Committee Appointments

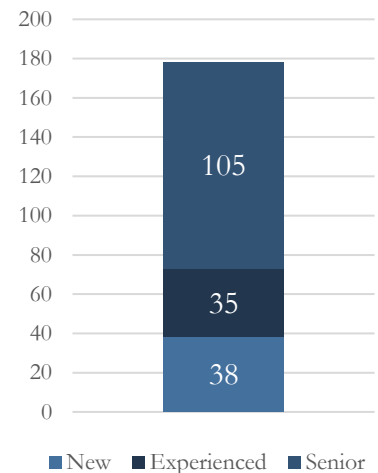
District I 5 Appointments 13 Reappointments	District II 4 Appointment 9 Reappointments
District III 1 Appointment 7 Reappointments	District IV 2 Appointments 15 Reappointments

The Board acknowledges the significant role that Hearing Committee members play in the disciplinary process and is committed to appointing Hearing Committee members who will ably perform the duties of the position. The Board is committed to appointing diverse Hearing Committee members, recognizing that diversity of experience, practice area, background, race, gender, and geography is beneficial to the disciplinary process.



★ Indicates location of Office of Disciplinary Counsel Office

Members By Rank



Duties of Hearing Committee members include reviewing the recommended disposition of complaints as offered by the Office of Disciplinary Counsel and conducting disciplinary and reinstatement hearings, either as a three-member panel or single designated member. Hearing Committee members are responsible for preparing a written report and recommendation to the Board following disciplinary and reinstatement proceedings.

Complaint Dispositions Reviewed	83
Hearing Committee Panels Assigned	33
Prehearing Conferences Held	21
Disciplinary Hearings Held	15
Reinstatement Hearings Held	17
Hearing Committee Reports Filed	25

On October 26, 2021, the Board held an in-person training session for Hearing Committee members who were fully-vaccinated against COVID-19. The training was led by Disciplinary Board members, Executive Office staff and counsel from the Office of Disciplinary Counsel. The training included a variety of topics designed to increase the knowledgebase of the Hearing Committee members relative to disciplinary case law, rules, and procedures.

Due to the COVID-19 global pandemic, all prehearing conferences and hearings in disciplinary and reinstatement matters were conducted via Webex videoconference in 2021. In all matters referred for hearing, the Board's Special Counsel assisted and supported the Hearing Committee members to ensure that the Board's objective of moving cases expeditiously was achieved.

EXECUTIVE OFFICE HIGHLIGHTS

Attorney Discipline & Reinstatement

The Board Prothonotary is the record-keeper for all filings related to disciplinary and reinstatement matters. In addition, the Prothonotary assigns and schedules matters for Hearing Committee and Board review and performs various administrative functions.

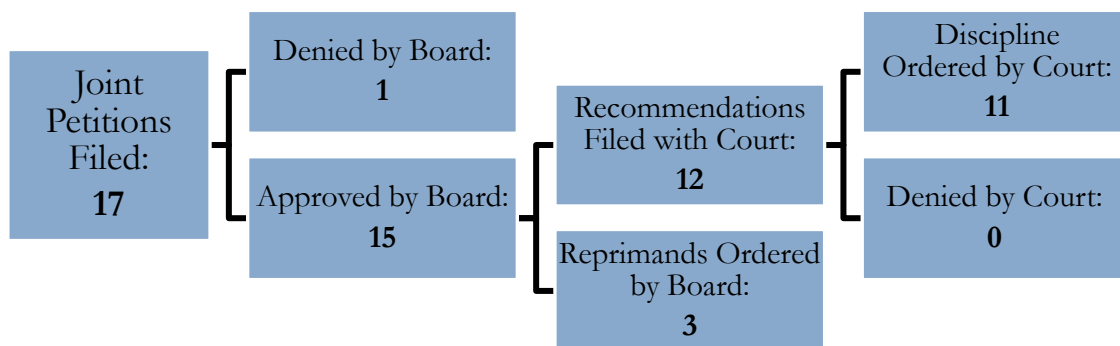
Disciplinary & Reinstatement Filings

	Filed	Granted	Denied
Petition for Discipline	21	N/A	N/A
Joint Petition for Discipline on Consent	17	<i>Shown Below in "2021 Joint Petitions In-Depth"</i>	
Petition for Emergency Temporary Suspension	4	4	0
Contempt Petitions	5	5	0
¹Petition for Reinstatement from Discipline	17	5	0
Certification for Reinstatement from Suspension of One Year or Less	9	9	0
²Petition for Reinstatement from Inactive Status, Retired Status, or Administrative Suspension of More Than 3 Years	74	78	0

¹Five matters granted were filed in previous years. Three matters were withdrawn. Fourteen matters filed were still pending as of December 31, 2021.

²Seventeen matters granted were filed in 2020. Four matters were withdrawn. Nine matters filed were still pending as of December 31, 2021.

2021 Joint Petitions In-Depth



One matter filed was still pending with the Board as of December 31, 2021.

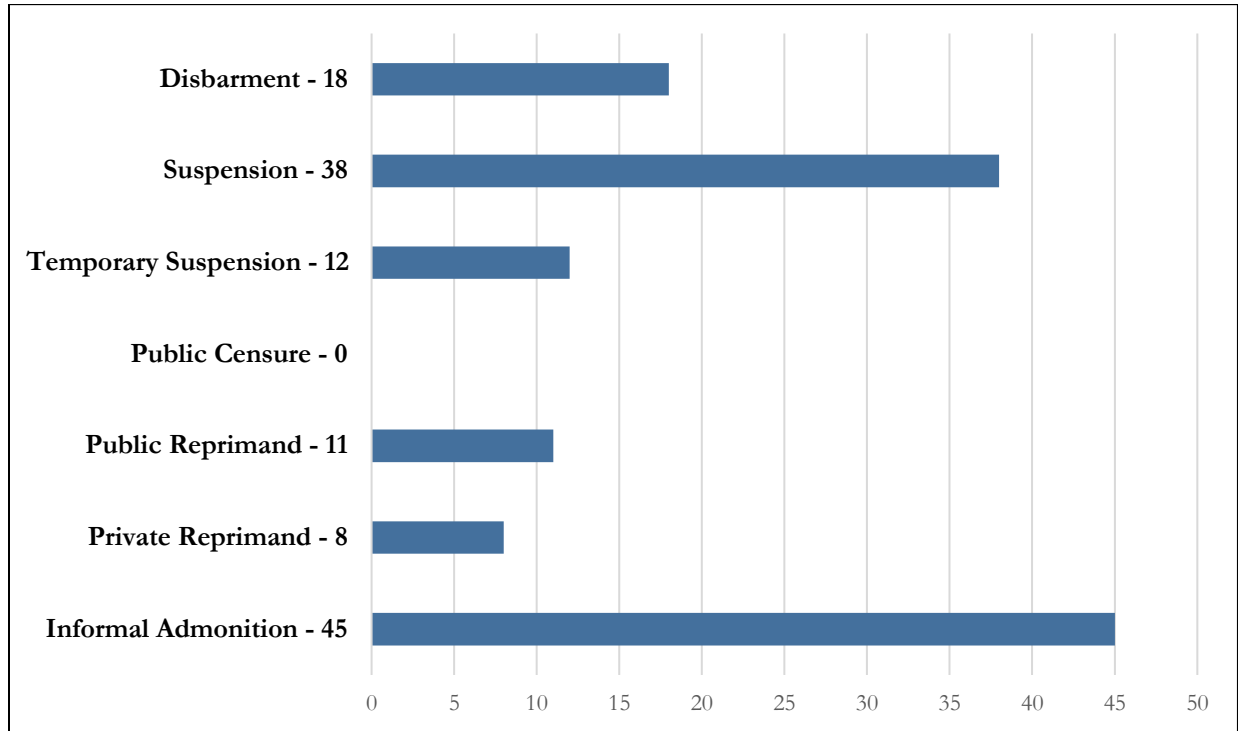
Two matters noted under "Recommendations Filed with Court" were still pending as of December 31, 2021.

One matter noted under "Discipline Ordered by Court" was filed in 2020.

Proceedings Held Before Board Member(s)

In 2021, one contempt hearing and 12 oral arguments were held before Board members. In 27 matters, a three-member panel of the Board reviewed Hearing Committee member recommendations in informal proceedings.

Discipline Imposed in 2021



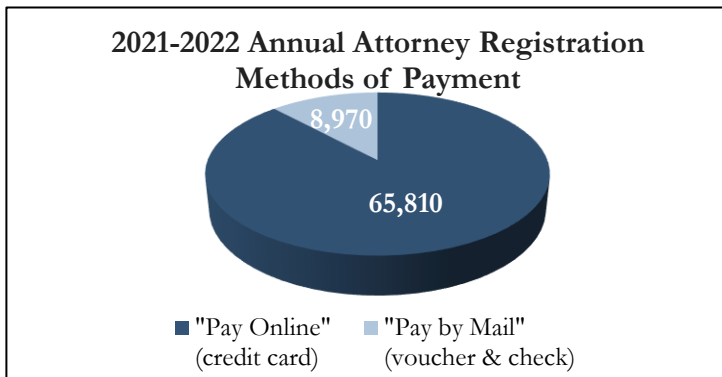
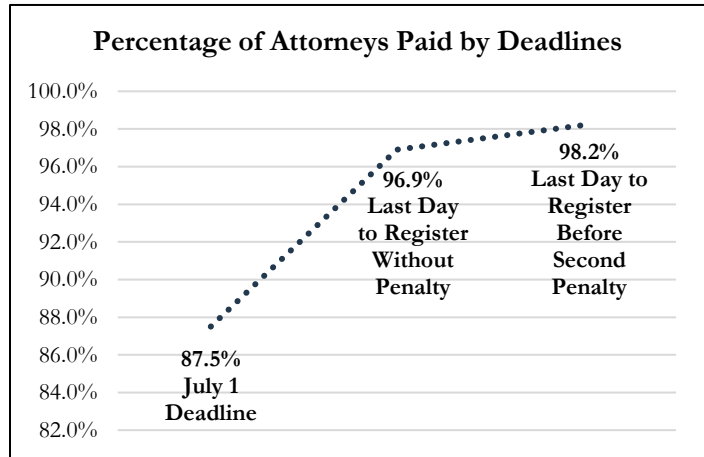
Discipline Statistics – Historical Comparison

	Informal Admonition	Reprimands		Public Censure	Temporary Suspension	Suspension	Disbarment	Total
		Private	Public					
2021	45	8	11	0	12	38	18	132
2020	35	7	14	0	15	47	30	148
2019	68	7	20	0	27	55	34	211
2018	52	11	15	0	19	31	32	160
2017	46	8	17	2	18	40	35	166
2016	54	6	22	1	21	37	19	160
2015	58	10	14	1	21	38	37	179

Attorney Registration

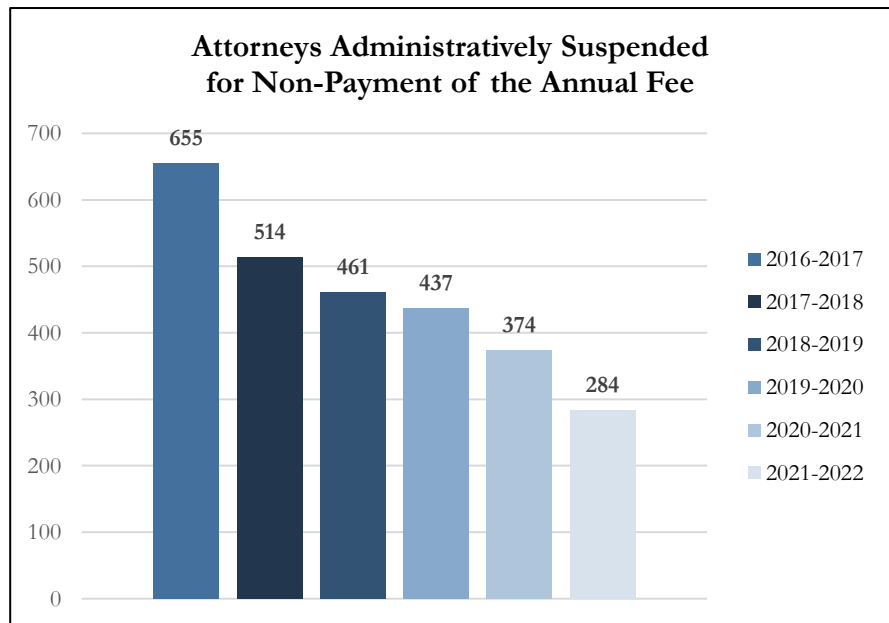
2021-2022 Annual Registration Summary

Annual attorney registration opens on or before May 15 each year with a July 1 deadline. In 2021, annual attorney registration opened on April 26 to over 75,600 attorneys who were eligible and required to complete annual registration. By the July 1 deadline, over 87% of attorneys had completed their registration. Prior to the assessment of the first late fee on July 17, nearly 97% of attorneys were compliant. Prior to the assessment of the second late fee on August 2, over 98% of attorneys had completed the registration process.

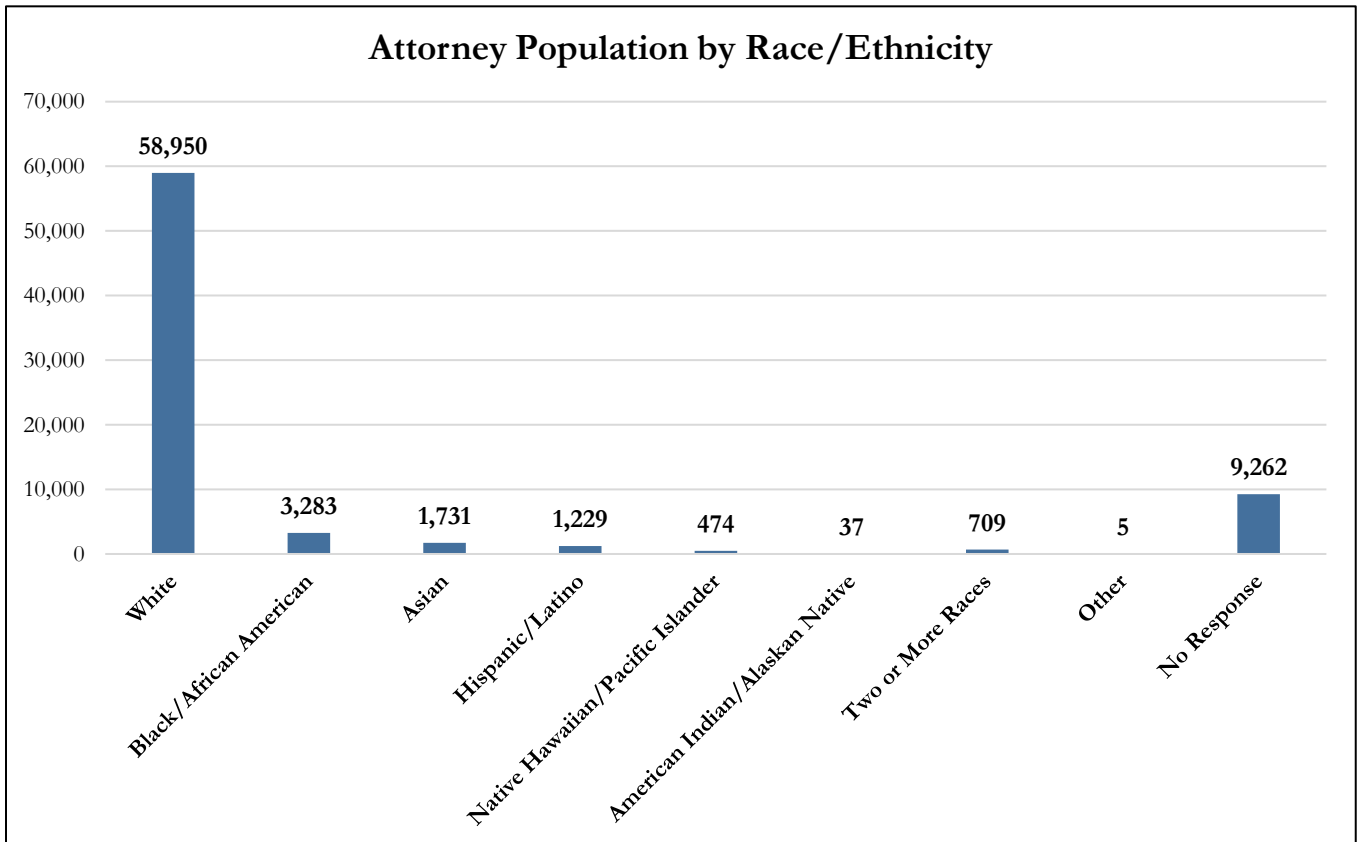
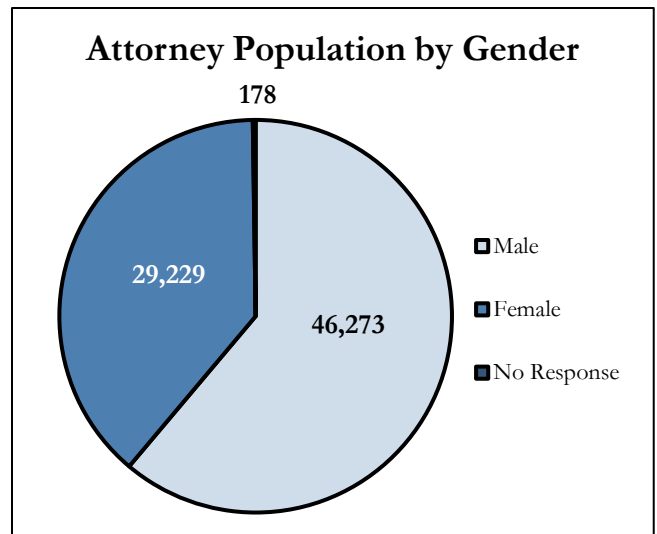
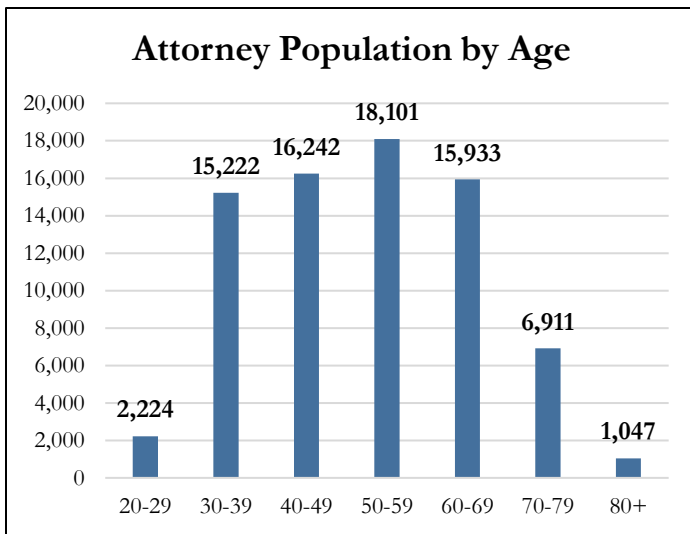


Annual attorney registration is required to be completed electronically pursuant to Pa.R.D.E. 219(a). When registering, attorneys are able to submit payment online with a credit card or by mail with a check and unique payment voucher.

On August 11, the 1,192 attorneys who had not completed annual registration were certified to the Supreme Court for administrative suspension. Prior to the effective date of the Order, attorneys have the opportunity to complete their registration and be removed from the list of those to be administratively suspended. As of September 10, the effective date of the Order, 284 attorneys remained on the list and were administratively suspended. The number of attorneys placed on administrative suspension this past year is nearly 100 fewer attorneys than 2020-2021's record low.



Annually, the Disciplinary Board collects demographic data from Pennsylvania attorneys during the attorney registration process. Attorneys are asked to provide voluntary responses to one question regarding gender and one question regarding race/ethnicity. The graphs below are representative of the aggregate responses with respect to age, gender, and race and/or ethnicity for all attorney-registrants who provided responses to the questions, including those who do not maintain an office in Pennsylvania. These figures include attorneys who were registered as either Active (which includes the following statuses: Active, In-House Corporate Counsel, Defender or Legal Services Attorney (Temporary Licensee), Foreign Legal Consultant, and Attorney Spouse of an Active-Duty Service Member) or Inactive at the time of registration.



Since 2019, attorneys have been required to answer a question regarding succession planning on the annual registration form. While succession planning is essential to every attorney's practice, failure to have a designated successor is NOT a violation of the Rules of Professional Conduct or the Pennsylvania Rules of Disciplinary Enforcement. The succession planning responses from all registered Pennsylvania attorneys that were provided during the 2021-2022 registration period are shown below.

Response	Total	%
I have a successor attorney. My successor is an individual.	3,775	4.99%
I have a successor attorney. My successor is a law firm.	14,588	19.30%
I do not have a successor because I do not have PA clients.	39,817	52.68%
I do not have a successor and I do have PA clients.	17,410	23.03%
TOTAL	75,590	100.00 %

This past year, a new "Opportunities to Provide Pro Bono Service" section was added to the annual registration form. In this section, attorneys were able to select if they would like to get more information on providing pro bono services from the Disciplinary Board, Continuing Legal Education (CLE) Board, and/or IOLTA Board. During the 2021-2022 annual registration cycle:

- 1,218 attorneys requested information on emeritus status from the Disciplinary Board,
- 4,772 attorneys requested information on the CLE Pro Bono Pilot Program, and
- 2,841 attorneys requested information on pro bono opportunities through IOLTA-funded organizations

Reinstatements

Reinstatements of those on inactive status, retired status, or administrative suspension for three years or less are processed by the Attorney Registration Office. Attorneys seeking reinstatement in this way are required to submit the appropriate form(s) and fee(s) as provided by Attorney Registration staff.

2021 Reinstatements – Three Years or Less	
From Inactive	410
From Retired	29
From Administrative Suspension	164
TOTAL	603

New Attorney Update

Daily, new attorneys are admitted by the Supreme Court Prothonotary's Office and uploaded into the Attorney Registration database. In 2021, there were 1,960 new attorneys admitted to the Pennsylvania bar. This includes those fully admitted to the bar by exam or motion and those with limited admissions (In-

House Corporate Counsel, Defender or Legal Services Attorney, Foreign Legal Consultant, Military Attorney, and Attorney Spouse of Active-Duty Military).

The chart below displays the law schools with the highest numbers of graduates who passed the bar exam in 2021. It is important to note that not all individuals who pass the bar exam complete the admission process to become a licensed attorney in Pennsylvania.

<u>Law School</u>	<u>Number of Successful Bar Exam Applicants</u>
Temple University - Beasley School of Law	147
Duquesne University - School of Law	120
Villanova University - Charles Widger School of Law	104
University of Pittsburgh - School of Law	89
Drexel University - Thomas R. Kline School of Law	85
Widener University - Delaware Law School	79
Penn State Law & Penn State Dickinson Law	53
Widener University - Commonwealth Law School	51
Rutgers Law School	40
University of Pennsylvania - Carey Law School	36

License Status Updates

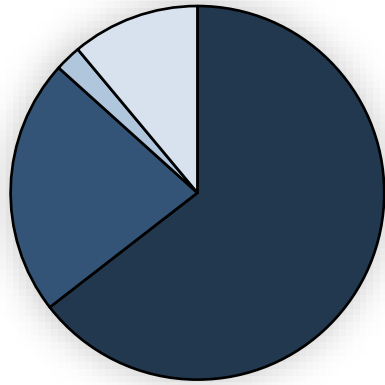
Since 2018, emeritus status has been an option for retired attorneys who desire to perform pro bono work with legal aid organizations. At the start of 2021, there were 23 attorneys on emeritus status. At year-end, that number had increased to 26 emeritus attorneys. The Board will continue to promote emeritus status and pro bono service for all attorneys. The Board hopes to raise awareness about the emeritus program and increase pro bono services provided by all attorneys through the newly launched pro bono page on the Board's website, information provided on the annual registration form, and direct communications with attorneys.

Pa.R.D.E. 404 (regarding permanent resignation) became effective on November 28, 2020. While permanent resignation is an option for attorneys, Attorney Registration staff are certain to discuss with the attorney the finality of the status change and alternative options that exist. In 2021, there were 16 requests granted for permanent resignation.

License Status Statistics

Active & Inactive Attorneys

as of December 31, 2021



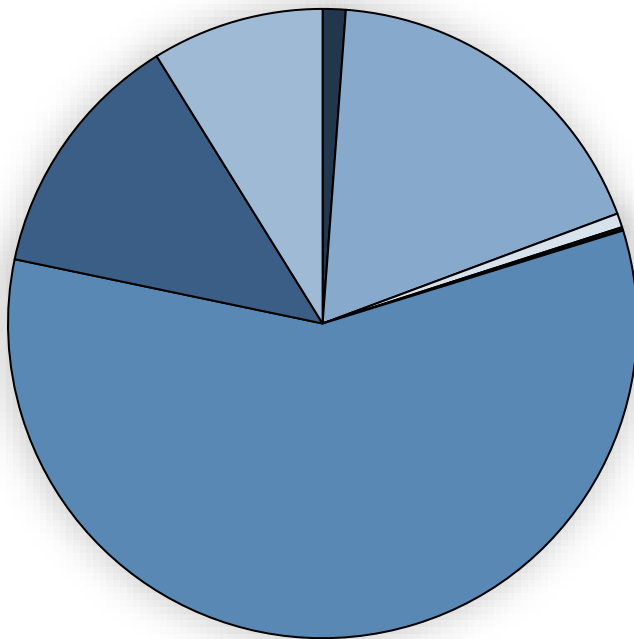
- Active (Pennsylvania)
48,385
- Active (Out of State)
16,625
- Inactive (Pennsylvania)
1,700
- Inactive (Out of State)
8,298

Most Populous Pennsylvania Counties

County	Number of Active Attorneys
Philadelphia	13,922
Allegheny	9,002
Montgomery	5,104
Chester	2,497
Dauphin	2,436
Delaware	2,205
Bucks	1,740

Other Attorney License Statuses

as of December 31, 2021



- Emeritus
26
- In-House Corporate Counsel
400
- Defender or Legal Services Attorney
16
- Foreign Legal Consultant
3
- Attorney Spouse of Active-Duty Military
1
- Retired (in 2021)
1,280
- Administrative Suspension (in 2021)
284 - Non-Payment
- Administrative Suspension (in 2021)
195 - CLE Non-Compliance

Technology

2021 brought significant innovations in technology by the Board. These innovations allow the Board to be more transparent, provide the public with access to the most accurate and current information, and prepare for future enhancements that will continue to increase transparency and efficiency.

Using Webex videoconferencing for all parties to meet, along with the YouTube platform for livestreaming, the Board conducted and streamed to the public 27 hearings, 13 oral arguments, and 11 public reprimands. In total, more than 50 proceedings were live-streamed in 2021, accounting for over 100 hours of live-streaming. Additionally, more than 4,400 streams were started, accounting for 2,325 cumulative viewing hours of the Board's live-streamed proceedings.

The Board spent significant time developing its new Attorney Gateway. From the Attorney Gateway page, attorneys can update contact information or obtain information on completing a name change. Within the Attorney Gateway, an entirely new interface was developed to house the Board's Online Filings module, allowing Respondents and Petitioners to electronically submit filings, such as petitions or briefs, in disciplinary and reinstatement matters before the Board.

In an attempt to connect Pennsylvania attorneys with available resources in support of Chief Justice Baer's call to advance pro bono efforts, the Board's website saw the addition of a Pro Bono page. In addition to resource links and program overviews, webpage content includes pro bono news items from the Board and contributions from the Pennsylvania IOLTA and CLE Boards.

The Board has developed and released its online Case Research Collection (CRC), a searchable database of public and private discipline and reinstatement matters currently incorporating matters from 2016 to present as well as several Board related Supreme Court Opinions issued since 1975. Users can browse the collection or search cases by discipline imposed, rule violation, and keyword, among many other criteria.

Other enhancements to the Board's website include the relocation of some pages, such as Recent Cases and Search Opinions, and the introduction of a new Pending Proceedings page. On this page, users can view open cases before the Board. The proceedings are also linked directly to the Attorney Lookup page for each attorney, allowing users to view attorney information and any previous proceedings before the Board.

Throughout 2021, there were more than 2.8 million visitors to the website and the Board has posted more than 80 news articles on case decisions. These news articles, also linked on the Board's social media accounts, help increase transparency and provide the public with up-to-date and accurate information.

In addition to the above-mentioned items, standard enhancements were made throughout the year to the Board's Case Management System, Attorney Registration System, and Document Management System. In 2021, the Board continued its commitment to increase efficiency in operations by embracing and utilizing technology.

Finance & Budget

Financial Highlights of FYE June 30, 2021

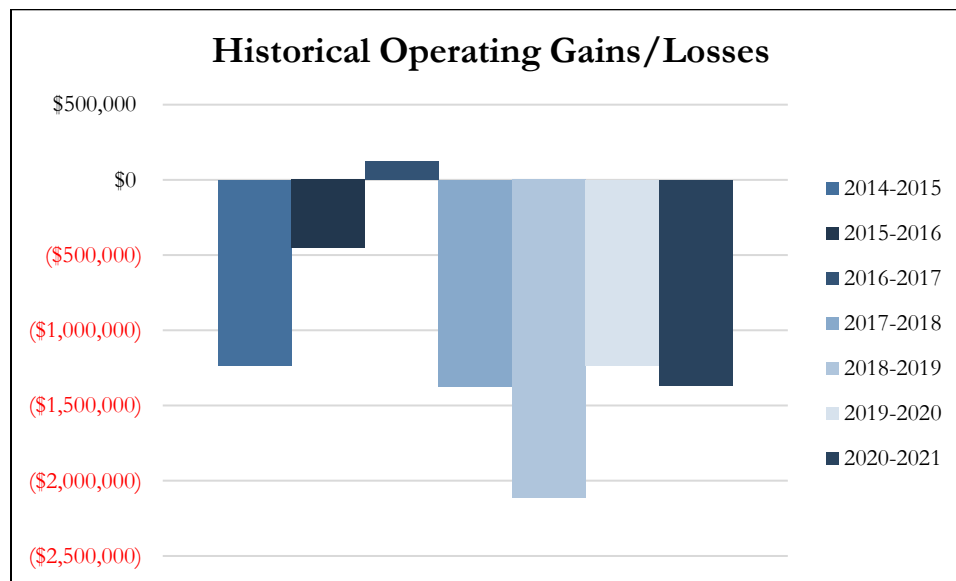
Operating Revenue:	\$10,968,131
Expenses:	<u>(\$12,333,922)</u>
Operating Income:	<u>(\$1,365,791)</u>
Non-Operating Revenue:	<u>\$2,157,227</u>
Change in Net Position:	\$791,436
Net Position (June 30, 2021):	\$9,709,138
Reserve Funds (IAB):	\$11,020,089

Operating Revenue: Annual fees plus administrative fees

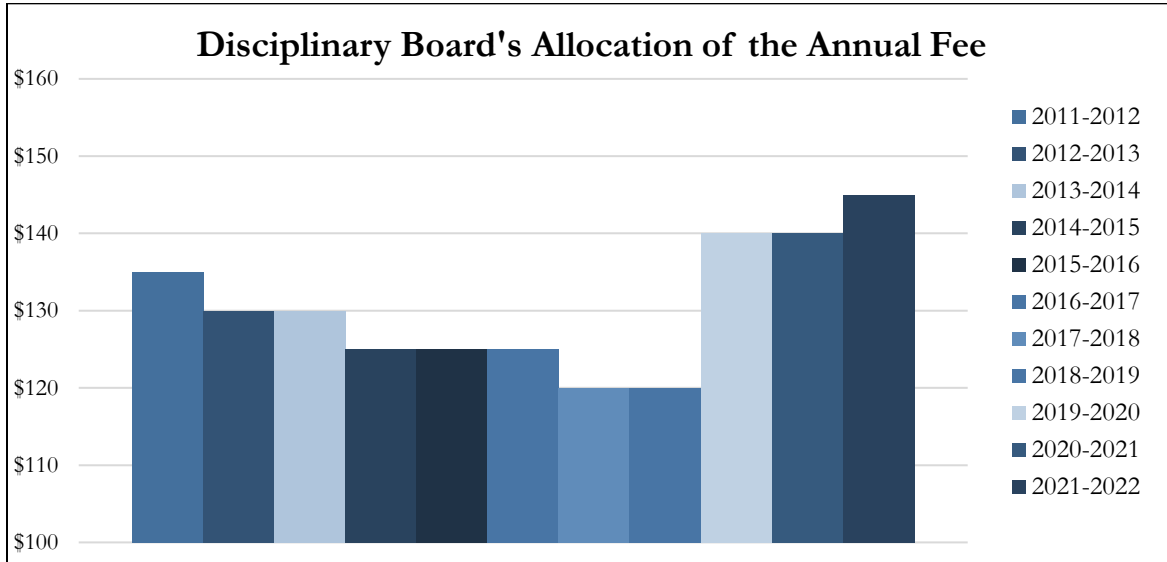
Non-Operating Revenue: Gains or losses on the Board's investments with the Investment Advisory Board (IAB) Fund

Change in Net Position: Operating Income plus Non-Operating Revenue

Reserve Funds (IAB): The Board's investments which are held by and managed through the IAB.



On December 10, 2020, the Board participated in the annual Lawyer Assessment Committee (LAC) telephone conference. At that time, the Board submitted a tentative Budget for Fiscal Year 2021-2022, proposing a 1.1% increase in Budgeted Revenues and a 4.2% increase in Budgeted Expenses. The submitted Budget projected that expenses would exceed revenues by \$1,463,959 or approximately 12.5% of revenue, based on an annual fee allocation to the Disciplinary Board of \$145 per Active Pennsylvania Attorney and \$100 per Inactive Pennsylvania Attorney. The annual fee for Active attorneys for the 2021-2022 registration year was \$225, which was allocated as follows: \$145 to the Disciplinary Board, \$50 to the Pennsylvania Lawyers Fund for Client Security, and \$30 to the IOLTA Board.



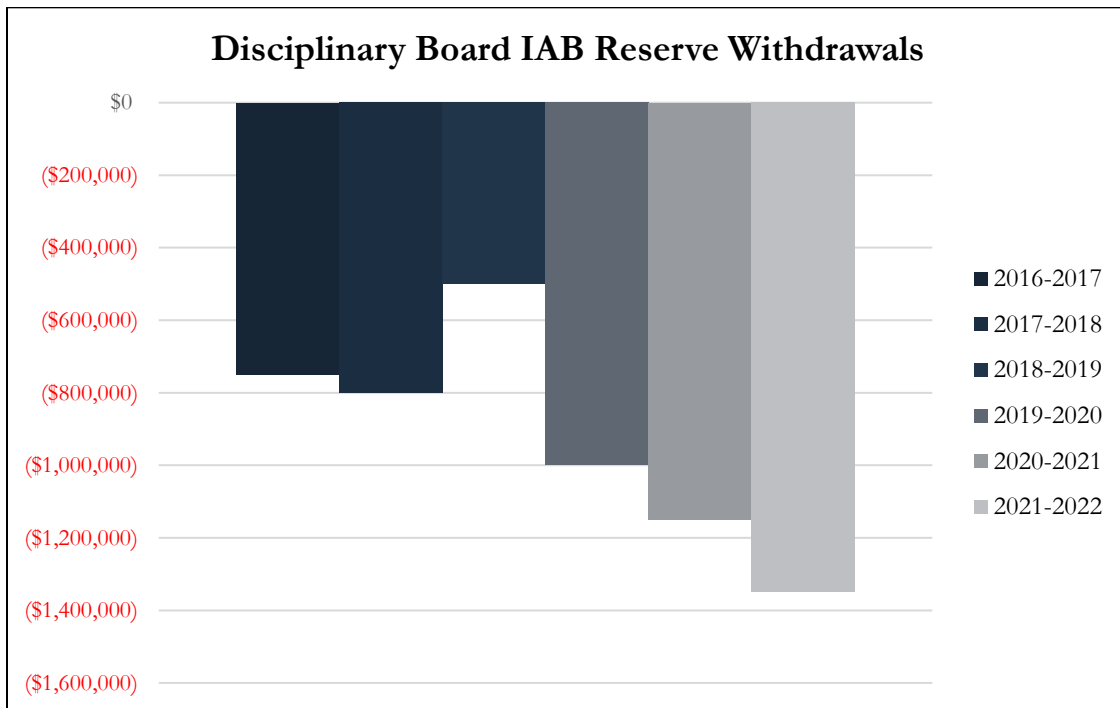
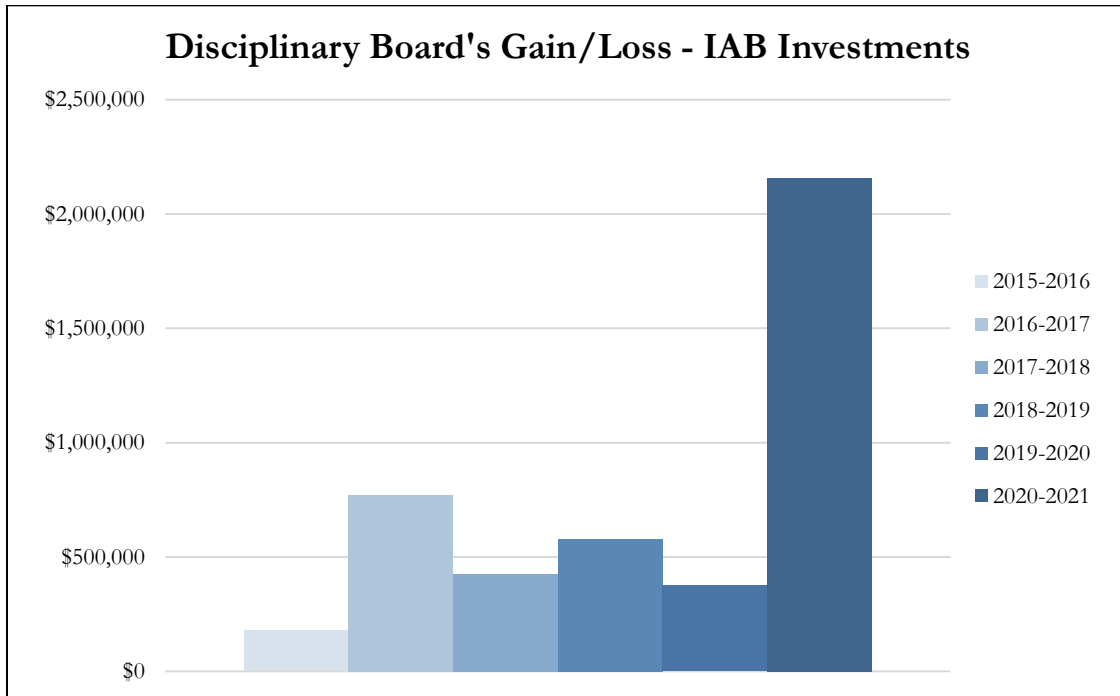
By Supreme Court Order dated February 15, 2019, which became effective on March 17, 2019, the Supreme Court of Pennsylvania amended Rule 208 of the Pennsylvania Rules of Disciplinary Enforcement to establish the assessment of a monthly penalty for unpaid taxed expenses and administrative fees. Rule 208(g)(5) was adopted to encourage satisfaction of outstanding obligations to the Disciplinary Board. Failure to pay taxed expenses and/or administrative fees within 30 days shall result in the assessment of a penalty, levied monthly at the rate of 0.8% of the unpaid principal balance. For good cause shown, the Disciplinary Board may reduce or waive the penalty assessment. As of December 31, 2021, there were 569 matters with a total outstanding balance of costs owed to the Disciplinary Board in the amount of \$1,460,336.27.

At the direction of the Supreme Court and in an ongoing effort to be an asset to the legal profession, in conjunction with the Pennsylvania Lawyers Fund for Client Security, the Disciplinary Board provides a portion of its revenue to fund Lawyers Concerned for Lawyers (LCL), an organization whose mission is “to provide a caring peer assistance program to save the lives and restore the health and professional competence of Pennsylvania’s judges and lawyers, members of their families, and law students who may be facing mental health and/or substance use challenges.” LCL’s budget is approved annually during the LAC telephone conference call. For additional information about LCL, or to obtain assistance, please visit their website at www.lclpa.org.

Non-Operating Revenue (Investment Gain/Loss)

The Board’s non-operating revenue consists of its investment gains or losses for any given year. The Investment Advisory Board (IAB) was formed in 2005 to pool the reserves of multiple Court boards in an effort to provide enhanced leverage of resources. Since inception, the Board’s reserve fund has achieved a

Net Return on Investment (ROI) of approximately 5%. As evidenced by the Disciplinary Board’s Gain/Loss - IAB Investments chart, the Board’s investment growth has been meaningful in light of the Board’s need in recent years to make significant withdrawals from the IAB reserve to fund operations.



Independent Auditor's Report

Attached for Court-use only.

OFFICE OF DISCIPLINARY COUNSEL HIGHLIGHTS

Cases

Disciplinary Counsel continued the use of remote technology to participate in hearings and present oral argument before the Disciplinary Board and the Supreme Court of Pennsylvania. Disciplinary Counsel participated in 22 remote disciplinary and reinstatement hearings during the year. Disciplinary Counsel also contributed to the drafting of the Board's plans and protocols to return to in-person hearings in 2022.

The Office of Disciplinary Counsel (ODC) continued to cooperate with and provide valuable assistance to the Pennsylvania Lawyers Fund for Client Security in carrying out its important mission.

Cases Opened in 2021	3,818
Cases Resolved in 2021	3,836

**A disciplinary matter may consist of multiple complaints filed against one attorney.*

Education

Despite the challenges presented by the pandemic, Disciplinary Counsel continued to educate its peers, the bar, and community through in-person and virtual presentations and CLEs including:

- At the virtual meeting of the National Organization of Bar Counsel (NOBC) in February 2021, Chief Disciplinary Counsel addressed Rule of Professional Conduct 8.4(g) and related First Amendment issues and Disciplinary Counsel served as panel members on the topics of “The Ins and Outs of Central Intake,” “Disciplinary Sanctions,” and “Unusual Defenses in Disciplinary Cases.”
- At NOBC’s virtual meeting in August 2021, Disciplinary Counsel served as program moderators on the topics of “Alternatives to Trust Accounts” and “Sexual Relations Between Attorneys and Clients.”
- Disciplinary Counsel chaired NOBC’s Diversity, Equity, and Inclusion Committee and served on NOBC’s Website and Program Committees.
- Disciplinary Counsel addressed professional responsibility issues and the disciplinary process at Temple Law School, Villanova Law School, Duquesne Law School, and Penn State Dickinson Law School.
- Disciplinary Counsel presented at several Bridge the Gap programs and recorded a podcast for the National American Immigration Attorneys Association concerning disciplinary complaints against immigration practitioners and best practices for immigration attorneys.

- Chief Disciplinary Counsel and Disciplinary Counsel participated in a PBI panel in March 2021 addressing Attorney Regulation of High-Profile Cases.
- Chief Disciplinary Counsel and Deputy Chief Disciplinary Counsel presented on various aspects of the disciplinary system to Hearing Committee members at the Board's in-person Hearing Committee training event in October 2021.
- Chief Disciplinary Counsel addressed the Public Employer Labor Relations Advisory Service annual training conference.
- Chief Disciplinary Counsel presented CLE courses to the Allegheny, Fayette, Centre, Montgomery and Philadelphia County Bar Associations, as well as to the United States Attorneys' Offices for the Western and Eastern Districts, the Pennsylvania District Attorneys Association, and the Allegheny County Public Defender and District Attorney's offices.
- Chief Disciplinary Counsel was a panel member for "The Retirement Discussion" CLE event presented in November 2021.
- Chief Disciplinary Counsel and staff counsel contributed articles to the Disciplinary Board's monthly newsletter.

ODC continued its volunteer internship program for law students who received training and worked in a government setting. Supervised by Disciplinary Counsel, they conducted legal research, wrote memoranda, and participated in discussions regarding investigations and strategy. Law students from Temple, Rutgers, The University of Pennsylvania, and Villanova participated.

Staffing Changes

A number of longstanding employees retired during 2021. The Board thanks all retirees for their hard work and dedicated service and wishes them a long, happy, and healthy retirement.

2021 New Hires

- Jennifer E. Tobias, Disciplinary Counsel, District III
- Jennifer T. Flemister, Intake Counsel, District III
- La'Tammie D. Bivins, Disciplinary Counsel, District IV
- Rita J. Murphy, Auditor, District I
- Esther J. Thomas, Auditor, District II
- Robert J. McHugh, Auditor, District II
- Tammy L. Weeks, Secretary, District III
- Heather A. White, Secretary, District III

2021 Staff Promotions

- Harold E. Ciampoli, Jr., Counsel-in-Charge, District II

ORGANIZATION INFORMATION

Executive Office Staff & Location

- Executive Director
- Counsel to the Board
- Special Counsel
- Board Prothonotary
- Attorney Registrar
- Support Staff (7)

Jesse G. Hereda, Executive Director
 601 Commonwealth Avenue, Suite 5600
 Harrisburg, PA 17120
 (717) 231-3380

Office of Disciplinary Counsel Staff & Locations

- Chief Disciplinary Counsel
- Deputy Chief Disciplinary Counsel
- Counsel-in-Charge (5)
- Disciplinary Counsel (24)
- Auditors (8)
- Paralegals (3)
- Support Staff (15)

Thomas J. Farrell, Chief Disciplinary Counsel
 601 Commonwealth Avenue, Suite 2700
 Harrisburg, PA 17120
 (717) 783-0990

Office of Disciplinary Counsel

District I 1601 Market Street, Suite 3320 Philadelphia, PA 19103 (215) 560-6296	District II 820 Adams Avenue, Suite 170 Trooper, PA 19403 (610) 650-8210
District III 601 Commonwealth Avenue, Suite 5800 Harrisburg, PA 17120 (717) 772-8572	District IV 437 Grant Street, Suite 1300 Pittsburgh, PA 15219 (412) 565-3173

Organizational Chart